IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1965 of 2002

IN

SUIT NO.2781 OF 2001

1. Hanjarnagar Co-op.Housing
Society No.1 Ltd. and others. ...Plaintiffs

vs.

1. Brihanmumbai Municipal
Corporation & others. ...Defendants.

Mr.M.P.Vashi, for Plaintiffs.

Mr.A.C.Singh with Mr.Sirsekar, for Defendant no.1.

Mr.S.I.Memon, for Defendant nos.2 to 5.

CORAM: D.K.DESHMUKH,J.

DATED: 20th April, 2006.

P.C.:-

By consent of parties, the notice of motion is disposed of in the following terms:-

1. The defendant no.1 Corporation shall re-consider the question whether the permission granted to the defendant no.2 to construct the building in the year 2001 is granted in accordance with the Law or not, after hearing the defendant no.2 and the plaintiff and make a fresh order in that regard.

2. The parties will appear before the Executive Engineer (Building Proposal) Western Suburb, H & K -East Ward, who has to decide the question referred to above on 15.5.2006. The said officer shall make order in accordance with Law within a period of Eight weeks from 15.5.2006.

3. After the order is made, the parties shall be at liberty to adopt appropriate proceedings.

4. The learned Counsel appearing for defendant nos.2 and 5 states that till the question is decided and the order is made by the Corporation, the defendant nos.2 and 5 shall not carry on any further construction. The statement is accepted.

The notice of motion is disposed of.

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